

**MINUTES OF COUNCIL SUBCOMMITTEE ON LEGAL SERVICES, JUNE 26, 2012
AT 7:30 A.M., 50 EAST CIVIC CENTER DRIVE, CONFERENCE ROOM 233,
GILBERT, ARIZONA**

COUNCIL PRESENT: Vice Mayor Sentz, Chair; Councilmembers Cook and Ray

COUNCIL ABSENT: None

STAFF PRESENT: Manager Banger, Finance Director Mattheisen, Budget Analyst Dailey, Clerk Templeton, Attorney Goodwin

1. CALL TO ORDER

Vice Mayor Sentz called the meeting to order at 7:30 a.m.

2. MINUTES – consider approval of the Minutes of the meeting of June 28, 2012.

A MOTION was made by Councilmember Cook, seconded by Vice Mayor Sentz, to approve the minutes of the meeting of May 29, 2012. *Motion carried 2-0.*

3. Review and discussion of project plan tasks and timeline for the Council Subcommittee on Legal Services and contract requirements.

No discussion.

4. Discussion on developing a process for engaging special legal counsel.

Vice Mayor Sentz introduced the item and said there is no formal process for engaging external legal counsel. Budget Analyst Dailey reviewed the draft procedure. Manager Banger briefly commented on the approval process and how the Town Manager is required to approve items over a certain amount, specifically \$25,000. The Subcommittee suggested that language be added to describe when Council approval is required.

Attorney Goodwin explained how some special legal counsel is used on an on-going basis, such as condemnation attorneys. Other special counsel is utilized project by project. There was discussion on utilizing a master order or contract with a not to exceed amount which is then supplemented with the number of hours for a specific job. These contracts or orders would be approved on an annual basis so the contracts are in place if needed. Discussion continued on the importance of having as many processes and procedures in place as Gilbert transitions to internal legal services. Attorney Goodwin said currently there is no formal procedure for engaging special legal counsel and the Subcommittee felt it is important to put a procedure in place. Attorney Goodwin responded to a question on what an employee does if they have a legal concern and advised that there is a process in place where they go to Human Resources, and in some cases directly to the attorney.

Manager Banger expressed concern that if Gilbert goes to internal legal staff that all of a sudden there could be 13 attorneys. He suggested Gilbert indicate it will have an attorney, assistant attorney, and legal secretary and all other work is contracted out. The general consensus of the Subcommittee was the annual budget process is the mechanism in place that would prevent over expansion of staffing. Staff will modify the draft procedure for engaging special legal counsel to reflect the direction of the Subcommittee.

5. Review and discussion of job descriptions for Town Attorney, Assistant Town Attorney, and Legal Secretary.

The Subcommittee briefly reviewed the job descriptions. Budget Analyst Dailey pointed out that the Legal Secretary job description is existing and focused towards the Prosecutor's Office. Councilmember Ray arrived, 7:35 a.m. The Town Attorney and Assistant Town Attorney job descriptions were created by Human Resource Analyst Marshall from surrounding community's job descriptions.

There was a brief discussion on whether the pay range should be included and staff advised that pay information is included in the job posting not the job description. The Subcommittee briefly discussed the recruitment process and said the process would be determined after the job descriptions and direction of the Subcommittee is approved by the Council. Discussion followed on hiring a Legal Secretary vs. Paralegal and the Subcommittee acknowledged they previously decided to move forward with a Legal Secretary rather than a Paralegal. Manager Banger arrived, 7:40 a.m.

A MOTION was made by Councilmember Ray, seconded by Councilmember Cook, to recommend the job descriptions for Town Attorney, Assistant Town Attorney, and Legal Secretary be brought to Council for approval. *Motion carried 3-0.*

6. Discussion on the content of the presentation and update on the Council Subcommittee on Legal Services scheduled for the June 26, 2012 Study Session.

Budget Analyst Dailey reviewed the presentation slides for the Study Session later today. The slides cover the purpose, process the Subcommittee followed, research and findings, and recommendations. A brief discussion and the consensus was that it is important to get the full Council to approve the recommendations prior to moving forward with recruitment of internal positions. It was suggested that the chart previously presented to the Subcommittee on the options be available at the meeting in case there are questions from Council. Based upon feedback from Council tonight, if Council is in agreement the item will be scheduled for formal approval on August 2, 2012.

7. FUTURE MEETINGS

No future meetings were scheduled.

8. ADJOURNMENT

Vice Mayor Sentz adjourned the meeting at 8:03 a.m.

ATTEST:

John Sentz, Chair

Catherine A. Templeton, Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the special meeting of the Council Subcommittee on Legal Services held on the 26th day of June 2012. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____.

Catherine A. Templeton, Town Clerk